



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/799,898

03/12/2004

Rick Huffman

2503343-991100

8313

29585

7590

04/20/2006

DLA PIPER RUDNICK GRAY CARY US LLP
153 TOWNSEND STREET
SUITE 800
SAN FRANCISCO, CA 94107-1907

EXAMINER

GREENE, DANIEL LAWSON

ART UNIT

PAPER NUMBER

3663

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Amendment

1. Applicant is advised to completely and thoroughly review the responses to the 9/9/2005 Office action and subsequent notices of non-compliance to correct any and all contradictions therein, since an incomplete response to this communication **will no longer be considered inadvertent.**

2. Further, it is noted that applicant has **not amended the current claims of record.** It appears applicant amended the originally filed (3/12/2004) set of claims and **NOT the claims received in the preliminary amendment filed 6/21/2004. Applicant is required to utilize and amend the current claims, i.e. those filed 6/21/2004.**

3. The reply filed on 3/2/2006 is not fully responsive to the prior Office Communication mailed 2/3/2006 because of the following omission(s) or matter(s): Applicant's claim status contained within the 3/2/2006 REMARKS section on page 24 of 29 conflicts with the status identifiers of the 3/2/2006 amended claims presented for examination. **NOTE: A claim status identifier is the term in parenthesis immediately after the claim number, for example Claim 1 (currently amended).** (Underlined to show status identifier) Since the status identifiers of the claims do NOT coincide with Applicant's remarks, it is NOT clear exactly which claims are to be examined. See, for examples, **SPECIFICALLY claims 13, 20, 24, 47** the list of pending claims (a withdrawn claim is still considered pending), etc. See 37 CFR 1.111.

4. **It is noted that applicant's remarks contradict themselves** because first the claims are cancelled (page 24 last sentence of remarks), then they are amended to overcome rejections (claim 24, page 25 second to last paragraph, claim 20, page 25

Art Unit: 3663

second to last line, etc.) and then they are cancelled to avoid rejections (claim 24, page 26 fourth paragraph, last sentence), etc. These are examples only.

5. Applicant is directed to perform a complete and thorough review of the response to this and previous communications.


6. For applicant's benefit, it appears the amendments received 3/2/2006 have overcome the rejections of sections 5-7B, 8 (except for claim 44), and 9-15, however new drawings are still required because the figures themselves indicate item 28 is other than that disclosed in the specification.

7. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene Jr. whose telephone number is (571) 272-6876. The examiner can normally be reached on Mon-Fri 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on (571) 272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DIG 
2006-04-17


JACK KEITH
SUPERVISORY PATENT EXAMINER